

REMARKS

I. Status of the Claims

Claims 22, 23, and 24 are pending. Claim 22 is canceled without prejudice or disclaimer. Applicants reserve the right to file one or more continuing applications to the canceled subject matter. Claims 1-21 and 25-103 are withdrawn pursuant to an earlier restriction requirement.

The Examiner considers claim 23 to be allowable. Please see box "5" on the Office Action Summary and under the Conclusion at page 5 of the May 1, 2007, action.

Claim 24 is amended to clarify that "serine-810" references the serine at position 810 of SEQ ID NO. 2, which is residue number 4 of SEQ ID NO 3. Explicit support for this amendment is found at paragraph 12, page 5, and the sequence listing. Please also see subsection III. below for further clarification. Since this amendment does not introduce any new matter, Applicants respectfully request its entry into the record.

II. The rejection of claim 22 over Jackson is moot

Claim 22 is rejected under 35 U.S.C. § 102(e) as allegedly anticipated by United States Patent Application publication No. 2005/0100554 (priority to February 14, 2002) ("Jackson"). According to the Examiner, Jackson teaches an antibody directed against an amino acid sequence that comprises SEQ ID NO. 3, Applicants' elected species. Since Jackson teaches a desirability to raise polyclonal antibodies against peptides, then "it would be expected that such antibodies would specifically bind to the amino acid sequence comprising SEQ ID NO. 3. Therefore, Jackson anticipates" claim 22.

Purely for the sake of expediting allowance, Applicants have canceled claim 22, thereby mooting this rejection.

III. Claim 24 is amended to identify the specific sequence to which "serine-810" relates

Claim 24 is rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite because it identifies the "phosphorylated serine" of claim 23 as "serine-810." See page 4 of the action.

Applicants clarify that SEQ ID NO. 3 is identical in sequence to residues 807-822, inclusive, of SEQ ID NO. 2, the amino acid sequence for GEF-H1 polypeptide. Applicants

taught that “[P]referably, the phosphorylated serine . . . is serine-810 of SEQ ID NO. 2.” Specification at paragraph 12, page 5.

In the context of SEQ ID NO. 3, therefore, serine-810 is the fourth residue from the N-terminus of SEQ ID NO. 3. There is another serine in SEQ ID NO. 3 located at position 14, but serine-810 is equivalent to serine-4 of SEQ ID NO. 3.

Applicants have therefore amended claim 24 to clarify that “serine-810” is the serine of “SEQ ID NO. 2, which is residue number 4 of SEQ ID NO 3.” As Applicants relate, this amendment is fully supported by the specification, and which they believe overcomes this rejection. For that reason, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants believe that claims 23 and 24 are in condition for allowance. Applicants will consider canceling all of the withdrawn claims upon notification of allowance of claims 23 and 24. The Examiner is invited to contact the undersigned by telephone if a discussion would help to clarify any other matters in order to expedite an allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

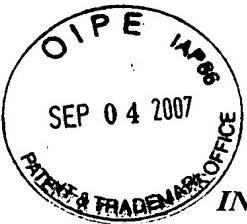
Respectfully submitted,

Date September 4, 2007

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By Vid Mohan Ram

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Atty. Dkt. No. 034536-0407

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tod R. SMEAL, et al.

Title: GEF-H1b: BIOMARKERS,
COMPLEXES, ASSAYS AND
THERAPEUTIC USES
THEREOF

Appl. No.: 10/611,671

Filing Date: 7/2/2003

Examiner: XIE, Xiaozhen

Art Unit: 1646

Confmn No.: 5378

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| CERTIFICATE OF EXPRESS MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | |
| EL 963566525US (Express Mail Label Number) | Sept. 4, 2007 (Date of Deposit) |
| <i>Lidija Lopojch</i> (Printed Name) | |
| <i>Lidija Lopojch</i> (Signature) | |

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

- Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

| | Claims | | Extra | | Additional |
|---------------|---------|------------|---------|-----------|------------|
| | As | Previously | Claims | Rate | |
| | Amended | Paid For | Present | | Claims Fee |
| Total Claims: | 2 | - | 109 = 0 | x \$50.00 | \$0.00 |

| | | | | | | | | | |
|--|---|---|----|---|---|----------|------------------|---|--------|
| Independent Claims: | 1 | - | 54 | = | 0 | x | \$200.00 | = | \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | + | | \$360.00 | = | | \$0.00 |
| | | | | | | | CLAIMS FEE TOTAL | = | \$0.00 |

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | |
|--|---|----------|
| [X] Extension for response filed within the first month: | \$120.00 | \$120.00 |
| [] Extension for response filed within the second month: | \$450.00 | \$0.00 |
| [] Extension for response filed within the third month: | \$1,020.00 | \$0.00 |
| [] Extension for response filed within the fourth month: | \$1,590.00 | \$0.00 |
| [] Extension for response filed within the fifth month: | \$2,160.00 | \$0.00 |
| | EXTENSION FEE TOTAL: | \$120.00 |
| [] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d): | \$130.00 | \$0.00 |
| | CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: | \$120.00 |
| [] Small Entity Fees Apply (subtract ½ of above): | | \$0.00 |
| | Extension Fees Previously Paid: | \$0.00 |
| | TOTAL FEE: | \$120.00 |

A credit card payment form in the amount of \$120.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date September 4, 2007 By Vid Mohan-Ram.

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